



General Assembly

Distr.
GENERAL
A/AC.96/1021
7 October 2005

ENGLISH
Original: ENGLISH AND FRENCH

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Fifty-sixth session
3-7 October 2005

REPORT OF THE FIFTY-SIXTH SESSION
OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

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I. INTRODUCTION

A. Opening of the Session

1. The Executive Committee of the High Commissioner's Programme held its fifty-sixth plenary session at the Palais des Nations in Geneva, from 3 to 7 October 2005. It was opened by the Chairman, His Excellency Ambassador Juan Martabit (Chile).

2. In his statement to the Committee, the Chairman welcomed delegates, especially those representing Ghana and Romania who were attending their first plenary session as members. He congratulated the new High Commissioner, expressing particular appreciation for his active role since taking office in advancing what had been a very difficult and ambitious agenda for the intersessional period. He assured the High Commissioner of the Committee's commitment and support as he undertakes his important challenges.

B. Representation on the Committee

3. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lesotho, Madagascar, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yemen, Zambia.

4. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Congo, Costa Rica, Croatia, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominican Republic, El Salvador, Eritrea, Estonia, Gabon, Gambia, Georgia, Guatemala, Iceland, Indonesia, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Luxembourg, Malawi, Malta, Mauritania, Mauritius, Monaco, Myanmar, Nepal, Oman, Panama, Peru, Portugal, Qatar, Republic of Moldova, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Viet Nam, Zimbabwe.

5. Palestine and the Sovereign Order of Malta were represented as observers.

6. Also present were the following intergovernmental organizations and other entities :

African Union, Economic Community of West African States, European Community, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Organization for Migration, League of Arab States, Organization of the Islamic Conference.

7. The United Nations system was represented as follows:

Food and Agriculture Organization, International Labour Organization, International Telecommunications Union, Joint United Nations Programme on HIV/AIDS, Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Human Rights, United Nations Children's Fund, United Nations Development Programme, United Nations Educational, Scientific and Cultural Organization, United Nations Human Settlements Programme, United Nations Secretariat, United Nations Population Fund, United Nations Relief and Works Agency for Palestine Refugees in the Near East , United Nations Volunteers Programme, World Food Programme, World Health Organization.

8. Some 46 non-governmental organizations attended.

C. Adoption of the Agenda and other Organizational Matters

9. The Executive Committee adopted by consensus the following agenda (A/AC.96/1016):

1. Opening of the session
2. Guest speaker
3. Adoption of the agenda and other organizational matters
4. Statement by the High Commissioner and general debate
5. Reports on the work of the Standing Committee
 - (a) International protection
 - (b) Programme budgets, management, financial control and administrative oversight
6. Reports relating to evaluation and inspection
7. Consideration and adoption of the revised Programme Budget for 2005 and proposed Programme Budget for 2006
8. Review of the annual consultations with non-governmental organizations
9. Other statements
10. Meetings of the Standing Committee in 2006
11. Consideration of the provisional agenda of the fifty-seventh session of the Executive Committee

12. Election of officers
13. Any other business
14. Adoption of the report on the fifty-sixth Session of the Executive Committee
15. Closure of the session

D. Election of Officers for the 57th Session

10. Under Rule 10 of its Rules of Procedure, the Committee elected the following officers by acclamation, to serve the Committee from the day immediately following their election to the end of the last day of the following annual plenary session:

Chairman: H.E. Ambassador Ichiro Fujisaki (Japan)

Vice-Chairman: H.E. Ambassador Mindua Kesia-Mbe (Democratic Republic of the Congo)

Rapporteur: Ms. Ann Blomberg (Sweden)

11. The Chairman-elect, H.E. Ambassador Fujisaki made a brief statement in which he committed the new Bureau to openness, continual engagement during its term of office, and a reality- and results-oriented approach.

II. WORK OF THE FIFTY-SIXTH SESSION

12. The Secretary-General of the United Nations, Mr. Kofi Annan, addressed the Committee as Guest Speaker. He spoke of the outcome of the "Millennium Summit" and its relevance to humanitarian objectives. World leaders had endorsed the role of the United Nations in humanitarian action and the need for it to be equipped for swift and predictable responses to humanitarian crises. The return of refugees and internally displaced persons was critical in sustaining peace processes and the Secretary-General welcomed the High Commissioner's intention that UNHCR play a proactive role in the future work of the Peacebuilding Support Office, which would be put in motion before the end of the year.

13. The Millennium Summit had advanced the agenda of the international community's response to internal displacement, although developing a more predictable response remained a challenge. The new partnerships and distribution of tasks put forward by the Inter-Agency Standing Committee were a promising step. The Secretary-General applauded the commitment by the High Commissioner to take the lead role in protection, emergency shelter and camp coordination in situations of internal displacement, while noting this expanded role should not detract from UNHCR's role with regard to refugees. The Secretary-General urged member States to support UNHCR in this endeavour, including through ensuring that the CERF was adequately funded to guarantee the quick release of funds in emergencies.

14. It had been an intellectual breakthrough that member States now accepted the links between security, development and human rights. The Secretary-General also highlighted the acceptance by United Nations member States of the concept of the responsibility to protect, with a focus on early conflict prevention. The Secretary-General thought the new standing Human Rights Council could help ensure a more effective protection response and believed the High Commissioners for Human Rights and Refugees could reinforce each other's operational as well as policy work.

15. Finally, the Secretary-General considered the recently released recommendations of the Global Commission on Migration required close analysis and reflection.

16. The High Commissioner delivered an opening statement as the basis for the general debate. He called on the international community to join forces to fight intolerance, preserve the institution of asylum, and bridge the gap between humanitarian relief and long-term development. Stressing that UNHCR was above all a refugee protection agency and that all staff members must see themselves as agents of protection, the High Commissioner reviewed key UNHCR operations, focused on UNHCR's role as a fully engaged partner in the United Nations' collaborative approach in addressing internal displacement, and examined the ongoing challenges of preserving asylum, especially in the context of mixed migration flows. UNHCR needed strong partnerships and a healthy funding base, as well as transparency, accountability and structural reform.

17. The full text of the High Commissioner's statement is available on UNHCR's website (www.unhcr.ch).

18. A summary of the ensuing general debate, provided by the Chairman, is found in Annex II.¹

19. The High Commissioner was joined in a panel discussion on the inter-agency collaboration response to internal displacement situations by His Excellency Mr. Theophile Mbemba Fundu, Minister of the Interior of the Democratic Republic of the Congo and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Jan Egeland.

¹ See summary records of the session for a full account of the deliberations of the Committee, including the statements or other interventions by delegations under all agenda items, and their comments on the draft conclusions and decisions, as well as the closing statements by the High Commissioner and the Chairman.

III. CONCLUSIONS AND DECISIONS OF THE EXECUTIVE COMMITTEE

A. General Conclusion on International Protection

20. *The Executive Committee,*

- (a) *Welcomes* the information provided on continued implementation of the Agenda for Protection contained in this year's Note on International Protection;² and *encourages* States, UNHCR, other intergovernmental as well as non-governmental organizations to cooperate and to redouble their efforts to implement the Agenda, as appropriate, to provide timely information on their respective follow-up activities, and to explore with UNHCR the merits of a consolidated report to the Executive Committee on its implementation, taking into account the time and resources that might be required, to enable the Committee and UNHCR jointly to assess progress;
- (b) *Recalls* paragraph (o) of its Conclusion No 99(LV); *notes* the need for UNHCR to continue efforts to strengthen its protection presence in the field, including in particular female protection staff; and *continues to call* upon States to extend their support in this regard through the timely and predictable provision of resources;
- (c) *Welcomes* the accession of Afghanistan to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, bringing the number of States parties to either one or both of these instruments to 146; also *welcomes* the inclusion of the 1951 Convention and its 1967 Protocol in the list of instruments identified by the Secretary-General for the annual treaty event entitled "Focus 2005: Responding to Global Challenges" held in New York in September 2005; and *appeals to* States which have not yet acceded to these instruments to consider doing so and to States which have made reservations to consider lifting them;
- (d) *Welcomes* the successful meeting hosted by the Government of Mexico in November 2004 to commemorate the 20th Anniversary of the Cartagena Declaration on Refugees; *notes with interest* the Plan of Action endorsed by that meeting; and *encourages* those States concerned to follow through on their commitments to strengthen refugee protection in the region and respond accordingly to other situations of forced displacement;
- (e) *Recalls* the 1996 Geneva Conference on the problems of refugees, displaced persons, migration and asylum issues in the countries of the Commonwealth of Independent States; *concludes with satisfaction* that the ten-year follow-up process generated by the Conference is nearing its completion and has been successful in pursuing the original goals of addressing the multi-faceted protection and migration challenges of the countries of the CIS in a coherent and concerted way; and *encourages* States, UNHCR and other relevant actors to continue to work collaboratively, building on the successes of the Conference Process to date;
- (f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions;

²

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condemns all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

(g) *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of humanitarian personnel and an obstacle to the effective fulfilment of UNHCR's mandate, and the ability of UNHCR's implementing partners and other humanitarian personnel to discharge their respective humanitarian functions; and *calls on* States and concerned parties to take all possible measures to ensure the safety and security of UNHCR personnel and property and that of all humanitarian organizations discharging UNHCR mandated functions;

(h) *Acknowledges* the value of a focused and concrete pursuit of a range of activities aimed at strengthening the protection capacities of States, particularly those dealing with protracted refugee situations; *welcomes* in this regard the development and promotion of a comprehensive framework for assessing protection capacity needs within the context of the Strengthening Protection Capacity Project; and *encourages* the continued facilitation of consensus building through participatory stakeholder consultations at national levels, bringing together all the relevant actors, including refugee men, women and children, in parallel with improved coordination within UNHCR, and with States and relevant partners to elaborate and operationalize the strategies and initiatives required to address the protection needs identified, in particular through comprehensive approaches aimed at providing practical solutions for protracted caseloads;

(i) *Recalls* its Conclusion No 82 (XLVIII) on Safeguarding Asylum; *reiterates* the fundamental importance of the High Commissioner's international protection function; and *emphasizes* the need to apply scrupulously the exclusion clauses stipulated in Article 1 F of the 1951 Convention to ensure that the institution of asylum is not abused by the extension of protection to those who are not entitled to it;

(j) *Recalls* its Conclusions No 6 (XXVII) and 7 (XXVIII), as well as numerous subsequent references made in its other Conclusions to the principle of *non-refoulement*; *expresses* deep concern that refugee protection is seriously jeopardized by expulsion of refugees leading to refoulement; and *calls on* States to refrain from taking such measures and in particular from returning or expelling refugees contrary to the principle of *non-refoulement*;

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

- (l) *Reaffirms* that respect by States for their protection responsibilities toward refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden and responsibility sharing among all States;
- (m) *Recognizes* that the participation of refugee women and men in the economic life of the host country is an important means of facilitating their active contribution to the attainment of their own self-reliance; and *encourages* State Parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement and other important rights underpinning self-reliance;
- (n) *Notes* UNHCR's global priorities relating to refugee children; *calls* on States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection regarding the convening of an experts meeting focusing on the protection needs of trafficked children;
- (o) *Stresses* the importance of States intensifying their efforts, in cooperation with UNHCR and other relevant organizations, to ensure that all refugee children benefit from education, consistent with the Millennium Development Goals, and that such education pays due regard, as appropriate, to their cultural identity while facilitating a greater understanding of the country of asylum;
- (p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;
- (q) *Notes* the activities in pursuit of the objectives of the Convention Plus initiative; *stresses* the value of innovative, practical, situation-specific and solution-oriented approaches within a multilateral context; *strongly encourages* UNHCR, in consultation with host countries, to identify protracted refugee situations which might lend themselves to resolution through comprehensive approaches, such as the elaboration of a Comprehensive Plan of Action for Somali Refugees; and *recognizes* that effective partnerships should be designed and implemented in the field;
- (r) *Welcomes* continued progress in the attainment of durable solutions, particularly through the voluntary repatriation, in safety and dignity, of large numbers of refugees this past year; *reiterates* that UNHCR, in line with its mandated responsibilities, be given free and unhindered access to returning refugees, as needed, in particular to monitor the latter's proper treatment in accordance with international standards; and, in this context, *encourages* UNHCR to strengthen

its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return;

(s) *Also welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement; and *encourages* UNHCR to ensure high quality and well-documented resettlement referrals, to continue to strengthen its resettlement capacity and to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities, where resettlement is an appropriate solution, including through the group resettlement referral methodology;

(t) *Reaffirms* the importance of timely and adequate assistance and protection for refugees; that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection; *notes* the importance of a rights and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food, and other forms of material assistance; and *expresses concern* in regard to situations where minimum standards of assistance are not met, including situations where adequate needs assessments have yet to be undertaken;

(u) *Strongly condemns* the unscrupulous actions of individuals or entities who misuse or abuse, in any manner whatsoever, assistance intended for refugees, for their own ends to exploit and abuse refugees and other persons of concern; and *calls* on States, UNHCR, relevant United Nations agencies and non-governmental organizations, to denounce and to take action to prevent abuse or exploitation which may deprive refugees and other persons of concern of adequate assistance and which may heighten the vulnerability in particular of refugee women and children;

(v) *Recalls* its Conclusion No 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

(w) *Acknowledges* that access to HIV and AIDS prevention, care and treatment, as far as possible in a manner comparable with the services available to the local hosting community, is increasingly recognized by States as an essential component in the protection of refugees, returnees and other persons of concern; *encourages* UNHCR to pursue activities in this regard, in close collaboration with relevant partners, in particular in the implementation of the objectives

agreed in the UNAIDS Unified Budget Work Plan, ensuring specific emphasis on the rights of refugee women and children affected by the pandemic; and *notes* the recommendations of the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors;

(x) *Notes with interest* the results of the Humanitarian Response Review and *welcomes* the proposals made by the Secretary General and United Nations General Assembly to strengthen the United Nations humanitarian system; *takes note* also of deliberations by the Inter-Agency Standing Committee aimed at following up on the outcomes of the response review and to bring about greater consistency in the response to humanitarian emergencies; *encourages* UNHCR to continue to explore the feasibility of taking on coordination responsibilities for clusters related to internally displaced persons' protection, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability; *looks forward* to elaborating in partnership with UNHCR the details regarding how, without prejudice to its core mandate for refugee protection and assistance, UNHCR can respond to these commitments including on financial, administrative and operational implications;

(y) *Welcomes* the accession of Senegal to the 1961 Convention on the Reduction of Statelessness; *acknowledges* UNHCR's role, where applicable, in providing technical and operational support and advisory services to States with the aim of addressing the problem of statelessness and in furthering the protection of stateless persons, where necessary; and *calls on* States, in cooperation with UNHCR and other relevant actors to address the needs of persons in protracted situations of statelessness and to assist stateless persons to access legal remedies to redress statelessness, in particular that which results from arbitrary deprivation of nationality.

B. Conclusion on the Provision on International Protection Including Through Complementary Forms of Protection³

21. *The Executive Committee,*

Reaffirming that the 1951 Convention relating to the Status of Refugees together with its 1967 Protocol continue to serve as the cornerstone of the international refugee protection regime; and *noting in this regard* the fundamental importance of their full application by State Parties, including that of the fundamental principle of *non-refoulement*,

Recognizing that, in different contexts, there may be a need for international protection in cases not addressed by the 1951 Convention and its 1967 Protocol; and *recalling in this regard* paragraph (l) of its Conclusion No. 74 (XLV),

Reaffirming the principle that all human beings shall enjoy human rights and fundamental freedoms without discrimination, including the right to seek and enjoy asylum,

³

This Conclusion addresses only the situation of persons who fall under the mandate of UNHCR.

Underlining the value of regional instruments, as and where applicable, including notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees, which include among refugees persons who cannot return to their countries due to indiscriminate threats resulting from situations such as generalized violence, armed conflict or events seriously disturbing public order, and the asylum legislation adopted by the European Union, which recognizes certain international protection needs beyond the 1951 Convention and its 1967 Protocol,

Recalling that international and regional instruments to address the problem of statelessness, such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, where applicable, are important tools for State Parties to use, in particular to avoid and resolve situations of statelessness and, where necessary, to further the protection of stateless persons,

Acknowledging that in many countries a number of administrative or legislative mechanisms are in place for regularizing, on a variety of grounds, the stay of persons, including those who may not be eligible for refugee protection but who may be in need of international protection,

Noting the value of establishing general principles upon which complementary forms of protection for those in need of international protection may be based, on the persons who might benefit from it, and on the compatibility of these forms of protection with the 1951 Convention and its 1967 Protocol and other relevant international and regional instruments,

- (a) *Urges* State Parties to implement their obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively in accordance with the object and purpose of these instruments;
- (b) *Calls upon* State Parties to interpret the criteria for refugee status in the 1951 Convention and/or its 1967 Protocol in such a manner that all persons who fulfil these criteria are duly recognized and protected under those instruments, rather than being accorded a complementary form of protection;
- (c) *Recognizes* that refugee law is a dynamic body of law based on the obligations of State Parties to the 1951 Convention and its 1967 Protocol and, where applicable, on regional refugee protection instruments, and which is informed by the object and purpose of these instruments and by developments in related areas of international law, such as human rights and international humanitarian law bearing directly on refugee protection;
- (d) *Reiterates* the need to ensure that the integrity of the asylum system is not abused by the extension of refugee protection to those who are not entitled to it and to apply scrupulously the exclusion clauses stipulated in Article 1F of the 1951 Convention and in other relevant international instruments;

- (e) *Calls on* the State Parties to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to apply these instruments in good faith, bearing in mind their protection objectives; and *requests* UNHCR actively to promote accession to these instruments;
- (f) *Calls on* States to make maximum use of existing protection instruments when addressing international protection needs; and *encourages* States that have not already done so to consider accession to the 1951 Convention and the 1967 Protocol and to relevant, applicable regional instruments and/or to consider lifting existing limitations or withdrawing reservations in order to ensure the widest possible application of the protection principles they contain;
- (g) *Calls upon* all State Parties, as applicable, to adopt the necessary national legislation or procedures to give effect to regional refugee instruments;
- (h) *Acknowledges* that complementary forms of protection provided by States to ensure that persons in need of international protection actually receive it are a positive way of responding pragmatically to certain international protection needs;
- (i) *Encourages* the use of complementary forms of protection for individuals in need of international protection who do not meet the refugee definition under the 1951 Convention or the 1967 Protocol;
- (j) *Realizes* that States may decide to allow prolonged stay for compassionate or practical reasons; and *recognizes* that such cases must be clearly distinguished from cases where there are international protection needs;
- (k) *Affirms* that measures to provide complementary protection should be implemented in a manner that strengthens, rather than undermines, the existing international refugee protection regime;
- (l) *Notes* that temporary protection, without formally according refugee status, as a specific provisional protection response to situations of mass influx providing immediate emergency protection from *refoulement*, should be clearly distinguished from other forms of international protection;
- (m) *Affirms* that relevant international treaty obligations, where applicable, prohibiting *refoulement* represent important protection tools to address the protection needs of persons who are outside their country of origin and who may be of concern to UNHCR but who may not fulfil the refugee definition under the 1951 Convention and/or its 1967 Protocol; and *calls upon* States to respect the fundamental principle of *non-refoulement*;
- (n) *Encourages* States, in granting complementary forms of protection to those persons in need of it, to provide for the highest degree of stability and certainty by ensuring the human rights and fundamental freedoms of such persons without discrimination, taking into account the relevant international instruments and giving due regard to the best interest of the child and family unity principles;

- (o) *Recommends* that, where it is appropriate to consider the ending of complementary forms of protection, States adopt criteria which are objective and clearly and publicly enunciated; and *notes* that the doctrine and procedural standards developed in relation to the cessation clauses of Article 1C of the 1951 Convention may offer helpful guidance in this regard;
- (p) *Notes* that States may choose to consult with UNHCR, if appropriate, in view of its particular expertise and mandate, when they are considering granting or ending a form of complementary protection to persons who fall within the competence of the Office;
- (q) *Encourages* States to consider whether it may be appropriate to establish a comprehensive procedure before a central expert authority making a single decision which allows the assessment of refugee status followed by other international protection needs, as a means of assessing all international protection needs without undermining refugee protection and while recognizing the need for a flexible approach to the procedures applied;
- (r) *Notes* that, where applicable, in considering a comprehensive procedure, the applicable procedure should be fair and efficient;
- (s) *Underlines* the importance of applying and developing the international refugee protection system in a way which avoids protection gaps and enables all those in need of international protection to find and enjoy it.

C. Conclusion on Local Integration

22. *The Executive Committee,*

Reaffirming that voluntary repatriation, local integration and resettlement are the traditional durable solutions, and that all remain viable and important responses to refugee situations; *reiterating* that voluntary repatriation, in safety and dignity, where and when feasible, remains the most preferred solution in the majority of refugee situations; *noting* that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions; and *agreeing* that local integration is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles, and that the provisions of this Conclusion are for the guidance of States and UNHCR when local integration is to be considered,

Recalling the Agenda for Protection Goal 5, Objective 4 requesting the Executive Committee to set out framework considerations for implementing the solution of local integration in the form of a Conclusion; and *noting* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration, taking into account the specific circumstances of each refugee situation, may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it,

Recalling that the ultimate goal of international protection is to achieve durable solutions for refugees; and *noting* that a solutions orientation is inherent in General Assembly Resolution 428 (V) of 14 December 1950 adopting the Statute of the Office of the United Nations High Commissioner for Refugees, in the Statute itself, and in the 1951 Convention through its provisions on cessation, integration and naturalization,

Considering that refugee situations are international in scope and nature and therefore *reiterating* its strong commitment to international solidarity and burden and responsibility sharing; and *reaffirming* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries and countries with economies in transition, and in mobilizing financial assistance and other forms of support, including development assistance from the international community to address the impact of large-scale refugee populations,

Acknowledging that the global refugee situation represents an international challenge requiring international burden and responsibility sharing to be addressed effectively; and, *recognizing* that allowing for local integration, where applicable, is an act of States which is a durable solution for refugees that contributes to that burden and responsibility sharing, without prejudice to the specific situation of certain developing countries facing mass influxes,

Reiterating that coordinated national and international efforts aimed at addressing the factors that lead to the flow of refugees should continue,

Expressing appreciation for the efforts made in recent years to redouble the search for durable solutions in the context of the Global Consultations on International Protection and of the Agenda for Protection, which fostered, inter alia, the Convention Plus initiative and the Framework for Durable Solutions,

Recognizing that some countries of asylum carry a heavy burden, in particular developing countries, countries with economies in transition and least developed countries which host large numbers of refugees and asylum-seekers, especially when they have arrived as part of a mass influx and have remained for a long period of time,

Noting that local integration in the refugee context is a dynamic and multifaceted two-way process, which requires efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population,

Recognizing that local integration needs to be undertaken in a manner that sustains the viability of local communities affected by the presence of refugees and that a failure to do so may result in an unreasonable burden being placed on host countries,

Affirming the value of strengthening capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate support from the international community for the host country and the refugees living there,

Recognizing that promoting the self-reliance of refugees from the outset will contribute towards enhancing their protection and dignity, help refugees manage their time spent in exile effectively and constructively, decrease dependency and enhance the sustainability of any future durable solution,

Recognizing the positive contributions, including economic benefits, which refugees who integrate locally or who are allowed to become self-reliant could make to host countries and communities,

Recalling Executive Committee Conclusion No. 15, that decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion or membership of a particular social group, nationality or country of origin; and *acknowledging* in this context that integration potential should not be a criterion for granting asylum,

- (a) *Recognizes* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it;
- (b) *Acknowledges* the importance of comprehensive approaches especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement;
- (c) *Encourages* States, UNHCR and other relevant actors to engage in consultations to develop, as early on as possible in a refugee situation, comprehensive arrangements that draw upon appropriate solutions, including through a combination of solutions, and which recognize the challenges involved with the timing and sequencing of solutions; and *emphasizes* the important place which local integration can have in such comprehensive arrangements;
- (d) *Notes* that the 1951 Convention and its 1967 Protocol set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration; recognizes the need for State Parties to implement their obligations under these instruments fully and effectively; and therefore *encourages* State Parties maintaining reservations to consider withdrawing them; and *calls* on States to facilitate, as appropriate, the integration of refugees, including, as far as possible, through facilitating their naturalization;
- (e) *Encourages* States, UNHCR and other relevant actors when preparing comprehensive arrangements to consider the characteristics of individuals and groups of refugees within a broader refugee population who could benefit from voluntary repatriation, local integration or resettlement;
- (f) *Urges* States and UNHCR to continue working proactively on local integration where appropriate and feasible and in a manner that takes into account the needs and views of both refugees and their hosting communities;

- (g) *Notes* that the criteria for identifying refugees who could benefit from local integration should be clear and objective and be applied in a non-discriminatory manner;
- (h) *Reaffirms* the importance, in this respect, of registration, or ad hoc surveys where these take place, as a means of facilitating the implementation of appropriate durable solutions; and *encourages* States and UNHCR to utilize the registration data of refugees in this process, in a manner that fully respects international norms and standards regarding the protection of personal data;
- (i) *Notes* that characteristics which may assist in determining circumstances in which local integration can be an appropriate durable solution could include, subject to States' consideration:
- (i) refugees born in asylum countries who might otherwise become stateless; and/or
 - (ii) refugees who, due to their personal circumstances including the reasons prompting their flight, are unlikely to be able to repatriate to their country of origin in the foreseeable future; and/or
 - (iii) refugees who have established close family, social, cultural and economic links with their country of asylum, including those who already have, or have the capacity to attain, a considerable degree of socio-economic integration.
- (j) *Welcomes* the practice in States with developed asylum systems of allowing refugees to integrate locally; and *calls on* these States to continue supporting refugees' ability to attain this durable solution through the timely grant of a secure legal status and residency rights, and/or to facilitate naturalization;
- (k) *Acknowledges* that the process of local integration is complex and gradual, comprising three distinct but inter-related legal, economic, and social and cultural dimensions, all of which are important for refugees' ability to integrate successfully as fully included members of society; and notes that refugees' understanding of these dimensions may need to be facilitated through proper counselling and advice;
- (l) *Affirms* the particular importance of the legal dimension of integration, which entails the host State granting refugees a secure legal status and a progressively wider range of rights and entitlements that are broadly commensurate with those enjoyed by its citizens and, over time, the possibility of naturalizing, and in this respect:
- (i) *recognizes* the relevance of the 1951 Convention and its 1967 Protocol and relevant human rights instruments as providing a useful legal framework for guiding the local integration process;
 - (ii) *recognizes* further that in support of the legal process, host countries may need technical and financial support to adapt and revise their national legal and administrative frameworks to allow refugees equal enjoyment of rights, services and programmes without discrimination;

(m) *Notes* the important part, subject to States' consideration, self-reliance plays in the economic dimension of local integration of refugees whereby individuals, households and communities are enabled increasingly to become self-sufficient and can contribute to the local economy, and in this respect:

- (i) *recognizes* that the protection, in all States, of basic civil, economic and social rights, including freedom of movement and the right to engage in income-generating activities is essential to the achievement of self-reliance of refugees;
- (ii) *encourages* all States hosting refugees to consider ways in which refugee employment and active participation in the economic life of the host country can be facilitated, inter alia, through education and skills development, and to examine their laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment; and in this regard, *affirms* the relevance of the 1951 Convention in providing a framework for the creation of conditions conducive to the self-reliance of refugees;
- (iii) *encourages* States, wherever possible, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the host country;
- (iv) *notes* that facilitating refugees' access to agricultural land in rural areas where appropriate and when feasible is a positive contribution by all States, which can help foster opportunities for self-reliance and enhance the food security of refugees and the local population;

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

- (i) *encourages* the implementation of anti-discrimination policies and awareness-raising activities aimed at combating institutionalized discrimination and at promoting the positive aspects of a diverse society and interaction between refugees, the local population, civil society and refugee organizations;
- (ii) *urges* States and all relevant actors to combat intolerance, racism and xenophobia, including obstacles faced by refugee women, and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees with the aim of allowing refugees to participate actively in the civic, economic, and social and cultural life of the host country;
- (iii) *recognizes* the link between education and durable solutions; and *calls on* States, UNHCR and relevant actors to strengthen their efforts to assist host countries in ensuring refugee children's access to education;

- (iv) *reaffirms* the importance of family unity and reunification as referred to in its Conclusions Nos. 9, 24, 84, and 88; and *recognizes* that family members can reinforce the social support system of refugees, and in so doing, promote the smoother and more rapid integration of refugee families;
- (o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;
- (p) *Encourages* UNHCR to develop and apply appropriate standards and indicators that account for age and gender considerations in local integration and self-reliance programs;
- (q) *Acknowledges* that, regardless of whether local integration takes place in an industrialized or a developing State, it requires the host State to take the lead role, as well as the sustained commitment of all stakeholders of the necessary time and resources; and *recognizes* the important role which members of civil society, including non-governmental organizations, can play in fostering an environment conducive to local integration;
- (r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;
- (s) *Stresses* the importance of including refugee hosting areas in national development plans and strategies of the host country for sustainable funding; *notes* the relevance, in this respect, of the common country assessments (CCA) and United Nations Development Assistance Frameworks (UNDAF), as well as Poverty Reduction Strategy Papers (PRSP); and *notes* the value of the Development through Local Integration (DLI) integrated programming approach as a methodology for partnerships with donor countries, financial institutions and with United Nations and other development agencies.

D. General decision on Administrative, Financial and Programme Matters

23. *The Executive Committee,*

- (a) *Confirms* that the activities proposed under the Annual Programme Budget for the year 2006, as set out in document A/AC.96/1011, have been found, on review, to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution 428 (V)), the High Commissioner's "Good Offices" functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees*;

- (b) *Approves* the programmes and budgets for Regional Programmes, Global Programmes and Headquarters under the 2006 Annual Programme Budget amounting to \$1,136,797,000 including the United Nations Regular Budget contribution towards Headquarters costs, an Operational Reserve made up of two components, namely of \$75,823,300 (representing 7.5 per cent of programmed activities), and a second component amounting to \$50 million, continued on a further trial basis in 2006, to provide appropriation authority for fully funded additional activities as further explained in para. 25 of A/AC.96/1011; *notes* that these provisions, together with those of \$8.5 million for Junior Professional Officers, bring total requirements in 2006 to \$1,145,297,000; and *authorizes* the High Commissioner within this total appropriation to effect adjustments in Regional Programmes, Global Programmes and the Headquarters budgets;
- (c) *Requests* UNHCR in the course of 2006 to elaborate, in consultation with the Executive Committee, criteria for, and the financial consequences of, the non-inclusion of Supplementary Programmes in the Annual Programme Budget, taking into account the Committee's *Decision on Guidelines on Supplementary Activities* (A/AC.96/959 para. 26) as well as the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees* (A/AC.96/503/Rev.7);
- (d) *Approves* the revised Annual Programme Budget for the year 2005 amounting to \$980,450,500 (which includes the United Nations Regular Budget contribution of \$34,558,000), which with the provisions for Junior Professional Officers of \$8.5 million, as well as the needs under Supplementary Programmes in 2005 of \$370,210,000, bring total requirements in 2005 to \$1,359,160,500 (Table I.3);
- (e) *Calls on* UNHCR to keep its administrative expenditure under continual review with a view to reducing it as a proportion of total expenditure;
- (f) *Recalls* the decision of its Standing Committee, at its thirty-second meeting on the review of the Operational Reserve Category II (A/AC.96/1007, Annex III), and *decides* to extend the pilot period further to enable an independent evaluation of the use and effectiveness of the Operational Reserve Category II so that a final decision on the Operational Reserve Category II may be made at its fifty-seventh session;
- (g) *Decides* to move to a biennial programme/budget cycle, effective as of the biennium 2008-2009, and *requests* UNHCR to begin the necessary preparatory work, including a revision to its Financial Rules, for preliminary consideration at the thirty-ninth meeting of its Standing Committee (July 2007), prior to submission to the ACABQ for comment, and endorsement by the Executive Committee at its fifty-eighth session;
- (h) *Notes* the *Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2004* (A/AC.96/1010), and the High Commissioner's *Measures Taken or Proposed in Response to the Recommendations of the Report of the Board of Auditors* (A/AC.96/1010/Add.1); as well as the *Report of the ACABQ on UNHCR's Annual Programme Budget for the year 2005* (A/AC.96/1011/Add.1), the various reports of the High Commissioner

related to oversight activities (A/AC.96/1012, 1013 and 1014), and *requests* to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

- (i) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the Annual Programme Budget for the year 2006, and *authorizes* him, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to create Supplementary Programmes and issue Special Appeals;
- (j) *Acknowledges* with appreciation the contribution made by developing countries and least developed countries bearing the heavy burden of hosting refugees, and *urges* Member States to recognize this valuable contribution to the protection of refugees and to participate in efforts to promote durable solutions; and
- (k) *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, burden and responsibility sharing, and in a timely manner, to his appeal for resources to meet in full the approved 2006 Annual Programme Budget; and to support initiatives to ensure that the Office is resourced in a better and more predictable manner, while maintaining “earmarking” to a minimum level.

E. Decision on enhancing the independence of the Office of the Inspector General

24. *The Executive Committee,*

Recalling the report of the Joint Inspection Unit (JIU) on its “Review of Management and Administration in the Office of the United Nations High Commissioner for Refugees” and the High Commissioner’s comments thereon (EC/55/SC/CRP.3),

Expressing appreciation for the consultations organized by the Bureau, in cooperation with UNHCR and in accordance with the decision taken at the fifty-fifth session (A/AC.96/1003, para. 24 (k)), on enhancing the independence of the Office of the Inspector General,

- (a) *Emphasizes* the importance of the work of the Inspector General and the positive role of the Inspector General’s Office in upholding an environment of integrity in UNHCR, by contributing to the maintenance of the highest standards of personal and professional conduct by its staff and other personnel with direct contractual links to UNHCR, in accord with its Code of Conduct;
- (b) *Welcomes* the measures taken by the High Commissioner to enhance the work of the Office of the Inspector General, to improve its transparency and to ensure the Inspector General’s operational independence, in particular in selecting staff and in managing the office, in keeping with applicable rules, regulations and administrative guidelines, and *requests* the High Commissioner to ensure that information on the independent role of the Inspector General’s Office is disseminated to all staff;

- (c) *Requests* of the High Commissioner that the person appointed to the position of Inspector General should be of the highest professional qualifications, personal conduct and integrity, chosen from candidates that are from within, or external to, UNHCR, and that such an appointment should normally be for a non-renewable term no longer than five years; *concurs* with the High Commissioner that an Inspector General may only be removed for just cause and with due process and following consultation between the High Commissioner and the Executive Committee; and *requests* the High Commissioner to ensure that the recommendations of the Inspector General's Office are acted upon at the earliest opportunity;
- (d) *Welcomes* the High Commissioner's commitment to make available the full text of inspection reports;
- (e) *Requests* that summary reports covering inquiries and the main categories of investigations, the number of such types of investigation, the average time taken to complete investigations and a description of related disciplinary action, be regularly made available to the Executive Committee;
- (f) *Requests* that the High Commissioner or Inspector General provide early statements on significant investigations and inquiries;
- (g) *Requests* that the High Commissioner consider the creation of a core of professional, Expert posts among the staff of the Office of the Inspector General;
- (h) *Requests* the High Commissioner to review and, where necessary and as appropriate, enhance the mechanisms in place to protect persons lodging complaints or providing information to the Office of the Inspector General from any form of retaliation;
- (i) *Expresses* its intention to hold further consultations with the Inspector General in regard to the functioning of his office, with a view to the possible adoption of a decision on this issue at its fifty-eighth plenary session.

F. Decision on a Proposal to Create a Post of Assistant High Commissioner (Protection)

25. *The Executive Committee,*

Recalling its decision at its fifty-fifth session (A/AC.96/1003 para. 24 (b) and (h)) on the proposal for the creation of a new post of Assistant High Commissioner (Protection),

Emphasizing the need to further enhance the protection capacity of UNHCR and to give effect to the High Commissioner's vision of his Office as one focused on its mandate to deliver international protection, where every action must be protection-minded and where every staff member has protection as a central concern,

- (a) *Expresses* appreciation to its Bureau and to UNHCR for the range of consultations organized on the issue;

- (b) *Notes with interest* the revised proposal submitted by the High Commissioner for the post in question (EC/55/SC/CRP.24), the revised terms of reference (EC/55/SC/CRP.24, Annex II) and the revised organigramme including structural changes (EC/55/SC/CRP.24/Corr.1);
- (c) *Approves* the creation of the post of Assistant High Commissioner (Protection) at the Assistant Secretary-General level, to be funded from voluntary funds, with effect from 1 January 2006;
- (d) *Requests* the High Commissioner to further consider the recommendations of the independent review of UNHCR's senior management structure ("Mannet report") and to share his considerations with the Standing Committee at its thirty-fifth Meeting;
- (e) *Further requests* the High Commissioner to commission and make available for the Executive Committee's fifty-eighth annual session an independent evaluation of the additional benefit that the creation of the post of Assistant High Commissioner (Protection) will have brought to the enhancement of protection in the field, assessing concrete results for the benefit of refugees and other persons of concern.

G. Decision on the Programme of Work of the Standing Committee in 2006

26. *The Executive Committee,*

Having reviewed the issues before it at its fifty-sixth session, and bearing in mind the decisions and conclusions adopted at that session,

- (a) *Decides* to convene no more than three formal meetings of the Standing Committee in 2006, to be held in February/March, June/July and September;
- (b) *Reaffirms* its decision on the framework for the Standing Committee's programme of work (A/AC.96/1003 paragraph 25, sub-paragraph 2(c)); authorizes the Standing Committee to add and delete items, if appropriate, to this framework for its meetings in 2006; and requests member States to meet in December 2005 to draw up a detailed workplan for formal adoption by the Standing Committee at its first meeting in 2006;
- (c) *Reiterates* its requests made in sub-paragraphs (c), (f), (g) and (h) of its Decision on the Programme of Work of the Standing Committee in 2005 (A/AC.96/1003 paragraph 26);
- (d) *Decides* to integrate the work and activities of the High Commissioner's Forum and Convention Plus into the programme of work of the Standing Committee in 2006;
- (e) *Calls on* the Standing Committee to report on its work to the fifty-seventh session of the Executive Committee.

H. Decision on the Provisional Agenda
for the Fifty-Seventh Session of the Executive Committee

27. *The Executive Committee,*

Recalling its decision on working methods adopted at its fifty-fifth plenary session (A/AC.96/1003 paragraph 25),

Decides to adopt as the provisional agenda for the fifty-seventh session of the Executive Committee the standard model contained in sub-paragraph 1 (f) of the above-mentioned decision.

I. Draft decision on observer participation in meetings
of the Standing Committee in 2005-2006

28. *The Executive Committee,*

(a) *Approves* applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 2005 to October 2006:

Azerbaijan, Bosnia and Herzegovina, Botswana, Burundi, Costa Rica, Croatia, Czech Republic, Dominican Republic, Estonia, Guatemala, Latvia, Peru, Portugal, San Marino, Sierra Leone, Slovakia, Slovenia, Swaziland;

(b) *Authorizes* the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the aforementioned period;

(c) *Approves* the following list of intergovernmental organizations and other entities to be invited by the High Commissioner to participate as observers in relevant meetings of its Standing Committee from October 2005 to October 2006:

European Community, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, African Union, Organization of the Islamic Conference, Council of Europe, International Organization for Migration, Economic Community of Central African States, Southern African Development Community, Intergovernmental Authority on Development, Economic Community of West African States, International Centre for Migration Policy Development.

Decisions adopted by the Standing Committee in 2005

In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 2005 adopted two decisions on matters included in its programme of work. The texts of these decisions are annexed to the reports of Standing Committee meetings as follows:

Report of the Thirty-second Meeting of the Standing Committee (A/AC.96/1007)

- Decision on programme budgets and funding for 2005
- Decision on the review of the Operational Reserve Category II

Report of the Thirty-third Meeting of the Standing Committee (A/AC.96/1017)

- Decision on overall programme budgets and funding for 2005

Chairman's Summary of the General Debate

1. Our discussions have been considerably influenced by the current climate of reform in the United Nations system, which is likely to have considerable impact on the humanitarian sector. New opportunities are arising that could address some of the root causes of forced displacement and offer new hope for durable solutions. They include the creation of a Peacebuilding Commission, proposed by the Secretary-General and broadly welcomed as an important step towards conflict resolution in many areas of the world. Then there are the efforts to strengthen the implementation of the Millennium Development Goals, thereby alleviating some of the major causes of mass displacement. We commended the efforts already deployed by UNHCR to forge closer links with development agencies while retaining its distinct, humanitarian vocation.

2. There was unanimous support for the High Commissioner in reaffirming protection as being the core function of his Office. Many of us expressed alarm at growing signs of intolerance and distrust in our societies. We rejected the tendency to equate asylum-seekers with criminals, even terrorists, and deplored the harmful exploitation of this confusion by certain populist elements. Several delegates echoed the High Commissioner's own words that asylum is "a central tenet of democracy". There was also clear recognition that any wilful abuse of the asylum system by persons not entitled to international protection should be strongly resisted.

3. We expressed our support for the creation a new post of Assistant High Commissioner for protection as part of a broader restructuring intended to strengthen UNHCR's protection work, particularly in the field. Delegates also looked forward to continued discussion on how to further improve the delivery of protection and to an evaluation of the impact of the new structure after two years. Specific protection activities that were mentioned as important were those in favour of refugee women, children, the elderly, as well as the victims of AIDS.

4. Registration was also singled out as an important protection tool, with specific examples from various refugee-hosting states. Several delegations also drew attention to the importance of resettlement as a protection tool, giving examples of programmes under way to provide more resettlement opportunities.

5. Delegates welcomed the priority given by the new High Commissioner to Africa, as clearly demonstrated by his first field visits. We also took note of several encouraging developments in that continent, allowing the voluntary repatriation of sizeable numbers of refugees. But we agreed that there was no call for complacency. Many protracted situations remain, with little prospect of early solutions. The situation in Darfur remains of gravest concern. One delegation described it as "a blot on our conscience." We urgently called for the belligerents involved to halt the violence that has already caused so much suffering in Sudan and neighbouring Chad, and earnestly hoped that the upcoming talks would help towards a cessation of the brutal attacks and an end to this terrible tragedy.

6. The importance of identifying durable solutions was underlined by many delegations. In this context, we welcomed the plans announced by the High Commissioner to mainstream the Convention Plus activities. We felt that some of these activities had been useful, notably the resettlement framework and the guide on targeting development. However, some delegations considered that a more practical focus was now needed, oriented to specific field situations. They expressed the wish for further clarification and to be kept informed as progress was made in mainstreaming such activities.

7. Several delegations commented on the issue of local integration, acknowledging the difficulties that accompany this solution in some countries, while considering that some useful guidance on this matter could be offered to States as part of a holistic approach to resolving certain protracted situations.

8. One of the major themes of our general debate was that of internally displaced person, which was also the subject of the panel discussion, at which we had the privilege of hearing the views of His Excellency Mr. Theophile Mbemba Fundu, the Minister of the Interior of the Democratic Republic of the Congo, and Mr. Jan Egeland, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

9. Delegates agreed that internally displaced persons are among the most neglected in terms of support from the international community. That support, when it exists, has been unpredictable and uneven. In the case of Latin America, in particular, several delegations commented on the need for increased attention and resources to address the needs of this category of victims. We therefore welcomed the efforts now under way to correct these deficiencies through a collaborative, inter-agency approach, in which UNHCR would be responsible for leading clusters of agencies with expertise in, respectively, protection, emergency shelter and camp coordination/management. While expressing support for this team-based, collaborative approach, delegations as well as the High Commissioner underlined that this additional responsibility should not be to the detriment of UNHCR's core mandate for refugees, and that additional resources should be available in order for UNHCR to carry out such commitments. Delegations looked forward to continuing close consultations with the High Commissioner on the policy and financial implications of UNHCR's contribution to the collaborative approach.

10. Turning now to UNHCR's management, we expressed global support for the new directions taken by the High Commissioner, including his measures to strengthen the Office of the Inspector General and ensure its independence, and his announced objective to reinforce UNHCR's policy formulation and evaluation function. We also recognized that good progress has been made towards results-based management and we encouraged him to pursue this further in the interest of transparency and accountability. Several delegations also paid tribute to the courage and dedication of staff living and working in difficult situations in the Field, and urged that their security must remain a top priority.

11. We stressed that adequate funding continues to be a major challenge, in the context of a projected shortfall for the current year's budget. Many delegations, especially those from major refugee-hosting countries, or from countries of return, devastated by years of war, faced with the

needs of vast numbers of displaced persons, drew attention to the urgent need for moral and financial support from the international community. Some delegations observed that the situation in some countries was deteriorating, and that food supplies were critical. We urged the High Commissioner to continue his efforts to broaden and diversify the donor base, and renewed our appeal to the international community to show sustained solidarity and generosity in sharing the burden.